



Hendry County Sheriff's Office

Agriculture Unit



Eff. Date:
05/29/19

Review Date:
05/29/2022

Revised Date:

Policy # SO 401.01

Subject: Agriculture Unit

I. PURPOSE: To establish policy/procedure on the responsibilities of the agriculture unit.

II. SCOPE: This order shall apply to all sworn personnel in the agriculture unit.

III. POLICY: The Hendry County Sheriff's Office Agriculture Unit is responsible for protecting life and property, prevent and suppress crimes, apprehend violators of the law, and preserve the public order. This unit is responsible for investigating livestock theft/cruelty/neglect, loose livestock, patrol farms and ranches and maintaining a positive rapport with the agricultural community.

IV. PROCEDURE

A. General Duties

1. Report to designated work area at the specified time.
2. Check telephone messages daily.
3. Return all telephone messages in a prompt and professional manner.
4. Investigate all cases assigned for follow-up.
5. Keep the unit supervisor up to date with all major or sensitive investigations.
6. Complete a monthly activity sheet.
7. Maintain a positive and professional attitude towards other personnel and the public.
8. Adhere to all Standard Operating Procedures applicable and signed by the Sheriff.
9. Respond and participate in any special assignments given by the unit supervisor or the district commanders.
10. Maintain a neat and well groomed appearance utilizing the assigned uniform.
11. Maintain radio/ phone contact with communications at all times when assigned to a call or while in the vehicle on duty.
12. Check assigned vehicles/trailers for maintenance and cleanliness on a regular basis.

13. Keep up to date with legal changes that may have an affect on the responsibilities of the Agricultural Crimes Deputy.
14. Submit all reports, alerts and outgoing correspondence to the unit supervisor.
15. Keep proficient and qualified with all weapons that may be used in the work environment and ensure that issued weapons are clean, in working order, and free from defects.
16. Maintain office work space and assigned vehicle in a neat and orderly manner.
17. Assist other agencies/jurisdictions with investigations, keeping the unit supervisor apprised of the nature and specifics in the request for service.
18. Respond to other Division/Units requests for assistance.
19. Keep the unit supervisor updated via email or phone of any duties/conducted after normal work hours.

B. Specialized Duties:

1. Investigate all Agricultural related Crimes.
2. Represent the Sheriff at agricultural associations and meetings.
3. Investigate all reports of livestock cruelty, neglect and/or abuse
4. Impound livestock “Running at Large”.
5. Inspect cattle ranch fences and take appropriate action to include warnings or assist in emergency repairs.
6. Arrest violators of agricultural laws when appropriate.
7. Conduct surveillance of illegal activities concerning agricultural investigations.
8. Capture Bovine via chemical immobilization technique.
9. Ensure a compatible and professional working relationship with the agricultural interests within Hendry County.
10. Patrol conservation lands and rural areas of Hendry County.
11. Conduct directed patrols in problem agricultural areas.
12. Assist in the development and implementation of agricultural crime prevention programs.
13. Assist patrol units in the traversing of unimproved surfaces by use of four wheel drive trucks, all terrain vehicles, or other vehicles that may be available.
14. Participate in the agriculture crimes task force.
15. Perform tasks as required by the Sheriff or his designee.

C. Specific Duties Or Procedures

1. Livestock Running At Large:
 - a. Florida Statute 588.16 Authority to impound livestock running at large or strays...It shall be the duty of the Sheriff or his or her deputies or designees, or any other law enforcement officer of the county, the county animal control center, or state highway patrol officers, where livestock is found to be running at large or straying, to take up, confine, hold, and impound any such livestock, to be disposed of as hereinafter provided.
 - b. Florida Statute 588.13 Livestock shall include all animals of the Equine, Bovine, or Swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. Livestock does not include chickens.
 - c. Livestock “running at large” or “straying” shall mean any livestock found or being on any public land, or land belonging to a person other than the owner of the livestock, without the landowner’s permission, and posing a threat to public safety.
 - d. Owner shall include any person, association, firm or corporation, natural or artificial, owning or having custody of or in charge of livestock.
 - (1) When an Agriculture Deputy responds to a CFS regarding livestock running at large, public safety is always the first concern. The Deputy will evaluate the scene i.e. roadways, neighborhoods/shopping plaza's, parks and schools, etc. If the scene allows for a safe return to a nearby pasture, the Deputy may attempt to place the animal into a secured area. If the animal (Bovine only) is found to be in any of the above described areas, and is safe to dart, the Deputy may utilize the issued dart equipment. (See below) If the Agricultural Deputy determines the animal poses a threat to public safety, and the animal cannot be darted, or safely returned to a secure area, the animal will be destroyed in a humane manner (as provided in Florida Statue 828.22-828.23), taking into consideration any environmental hazards in the immediate area. Public safety is always paramount. If the Deputy discharges his firearm, they must contact the Sergeant and the Chief Deputy. The Deputy will notify his chain of command via an Inter-Office Memorandum.
 - (2) Note: The Hendry County Sheriff's Office Agriculture Unit does not handle Feral Hogs. Citizens will be directed to utilize a trapper/private contractor to capture this nuisance wildlife.
 - e. 828.22 Humane Slaughter Act; humane slaughter and livestock euthanasia; requirements.
 - (1) Sections [828.22-828.26](#) may be cited as the “Humane Slaughter Act.”
 - (2) The Legislature of this state finds that the use of humane methods in the killing of livestock prevents needless suffering, results in safer and better working conditions for persons engaged in the slaughtering industry or other livestock operations, brings about improvement of products and economy in slaughtering or other livestock operations, and produces other benefits for producers, processors, and consumers which tend to expedite the orderly flow of livestock and their products.
 - (3) It is therefore declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those employed in other states where humane slaughter is required by law and to those authorized by the Federal Humane Slaughter Act of 1958, and regulations there under.

- (4) Nothing in ss. 828.22-828.26 shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of ss. 828.22-828.26, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of ss. 828.22-828.26. For the purposes of this action the term “ritual slaughter” means slaughter in accordance with s. 828.23(3).
- f. 828.23 Definitions; ss. 828.22-828.26.—As used in ss. 828.22-828.26, the following words shall have the meanings indicated:
- (1) “Department” means the Department of Agriculture and Consumer Services.
 - (2) “Person” means any individual, partnership, corporation, or association doing business in this state, in whole or in part.
 - (3) “Slaughter” means the act of killing one or more livestock animals for any purpose.
 - (4) “Slaughterer” means any person other than a licensed veterinarian, or an employee of a humane society or animal control agency, who kills livestock.
 - (5) “Livestock” means cattle, calves, sheep, swine, horses, mules, goats, ostriches, rheas, emus, and any other domestic animal that can or may be used in the preparation of animal products. For the purposes of ss. 828.22-828.26, “livestock” does not include poultry and aquatic species.
 - (6) “Humane method” means:
 - a. A method whereby the animal is rapidly and effectively rendered insensitive to pain by electrical or chemical means or by a penetrating captive bolt or gunshot with appropriate caliber and placement; or
 - b. A method in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

2. LIVESTOCK RUNNING AT LARGE AT NIGHT:

- a. When the Hendry County Sheriff’s Office receives a CFS regarding livestock running at large at night, public safety is always first. If it is safe to do so, the Deputy may attempt to place the animal(s) into a secured area. If the animal(s) are found to be on or nearby a roadway, neighborhood, park, shopping plaza or any location where the public may be placed in danger, the animal will be destroyed immediately. The chemical immobilization may only be used at night, if the Bovine (cattle) in question is found in a location where public safety would not be in jeopardy. ie: farm field, orange grove or inside a fenced compound, but not near a roadway.
- b. If the livestock is near any area that poses a threat to the public, the livestock will be destroyed immediately. (as provided in F.S.S 828.22-828.23) If the Deputy discharges his firearm, they must contact the Duty Sgt. and the Chief Deputy. The Deputy will notify his chain of command via an Inter-Office Memorandum.

3. ASSISTING LIVESTOCK OWNERS:

- a. If an Agriculture Deputy responds to a call from a cattleman that is experiencing a problem capturing livestock, the Deputy may respond and assist in the safe capture of the animal(s). The Deputy will first determine if the (Bovine) only can be safely captured. If chemical immobilization technique is to be used, the Deputy will provide the livestock owner with a Waiver of Liability. If the livestock owner refuses to sign this form, and the livestock in question is currently contained, the Deputy will explain the livestock at large statute. If the animal(s) in question becomes loose after the refusal, i.e. the livestock jumps a fence, the owner of said livestock will be responsible for such and the livestock may be subjected to impounding or be destroyed. The owner of the livestock may also be subject to criminal charges.

4. Use Of Chemical Immobilization (Dart):

- a. Florida Statute 828.27(1)(b) Deputies may carry a device to chemically subdue and tranquilize an animal, provided that such Deputy has successfully completed a minimum of sixteen hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the chemical immobilization operational guide of the American Humane Association
- b. Only an Agriculture Deputy certified in chemical immobilization as per Florida Statute 828.27(1)(b) is permitted to use this technique. Consideration will be given to environmental hazards in the immediate area that could cause injury or death to the animal and/or put public safety at risk. After all attempts have been made to contact the owner and there is difficulty capturing the livestock, chemical immobilization methods may be used (Bovine).
- c. If the Agricultural Deputy determines the animal poses a threat to public safety, and the animal cannot be darted, or safely returned to a secure area, the animal will be destroyed in a humane manner. Public safety is paramount.
- d. If it is deemed safe to use chemical immobilization, the Agriculture Deputy may utilize his assigned dart gun, calculating the proper amount of tranquilizing drug based on the weight of the animal. The animal shall then be safely placed in a livestock trailer to be relocated to the proper pasture or to be taken to an impound yard. The Agriculture Deputy shall utilize a reversal agent on the animal to counteract the effects of the tranquilizer and restore the animal safely to normal condition.
- e. After an animal has been darted and the reversal has been administered, the Deputy will monitor the animal's recovery process. This will consist of the following; that the darted animal is in an upright position against a solid object to prevent the animal from falling over. Confirm the animal is breathing properly, and will have access to water. If the darted animal has not shown any signs of recovery, a vet will be contacted, keeping in mind that a recovering animal will not show a fast recovery time.
- f. All chemical immobilization drugs will be logged by the Agriculture Deputy on a form showing the date and time, conditions, animal type/ size, behavior and amount used. No Agriculture Deputy will have in his possession more than; (1) one tranquilizing drug and (1) one reversal drug. No bovine that has been darted shall be sold or sent to auction until forty eight hours has elapsed.

5. Injured Or Diseased Livestock:

- a. When an Agriculture Deputy encounters an injured or diseased animal, he/she may destroy such, in accordance with Florida State Statue 828.05. The Deputy shall only discharge his/her weapon when it is safe to do so; taking into consideration the surrounding area. Weapons of

sufficient size and caliber will be used to quickly end the animal(s) suffering in a humane manner. If the Deputy discharges his/her firearm, they must contact the Duty Sgt. and Chief Deputy. The Deputy will notify his chain of command via an Inter-Office Memorandum.

b. Florida Statute 828.05 Killing An Injured Or Diseased Domestic Animal:

- (1) The purpose of this section is to provide a swift and merciful means whereby domestic animals which are suffering from an incurable or untreatable condition or are imminently near death from injury or disease may be destroyed without unconscionable delay and in a humane and proficient manner.
- (2) As used in this section, the term "officer" means:
 - a. Any law enforcement officer;
 - b. Any veterinarian; and
 - c. Any officer or agent of any municipal or county animal control unit or of any society or association for the prevention of cruelty to animals, or the designee of such an officer or agent.
- (3) Whenever any domestic animal is so injured or diseased as to appear useless and is suffering, and it reasonably appears to an officer that such animal is imminently near death or cannot be cured or rendered fit for service and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner's agent, or a veterinarian, then such officer, acting in good faith and upon reasonable belief, may immediately destroy such animal by shooting the animal or injecting it with a barbiturate drug. If the officer locates the owner or the owner's agent, the officer shall notify him or her of the animal's location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice of the veterinarian. However, this section does not prohibit an owner from destroying his or her own domestic animal in a humane and proficient manner when the conditions described in this section exist.
- (4) No officer or veterinarian acting in good faith and with due care pursuant to this section will be liable either criminally or civilly for such act, nor will any civil or criminal liability attach to the employer of the officer or veterinarian.
- (5) A court order is not necessary to carry out the provisions of this section.

6. Impounding Livestock:

- a. An Agricultural Deputy has been unable to locate a livestock owner, and the Deputy determines that the livestock must be impounded, the Deputy will complete a livestock impound sheet, detailing an accurate description of the animal(s) i.e. marks and brands, ear tags, plastic or steel. It is considered an impoundment when any livestock is placed within our livestock trailers and the owner is not known or is not available to immediately respond.
- b. Any vet service that may be required, i.e. Coggins, injured livestock, animal cruelty case. Receipts must be attached
- c. Date and time, CFS #, Deputies name and ID, owners name if known and address, if contact was made, location of impound.

- d. Impounding fee of \$ 150.00 per animal impounded.
 - e. Advertising Fees
 - f. Darting Fees: \$ 25.00 per animal. This covers both drugs used.
 - g. Feed and care: Small animal: \$ 10.00 per animal, large animal \$ 10.00 per large animal.
 - h. \$ 0.75 per mile on vehicle, \$ 0.75 per mile on trailer.
 - i. Total amount due to HCSO
 - j. The impounding Deputy will provide a brief narrative.
 - k. Note if livestock was taken to auction, if livestock was sold or returned to the owner.
 - l. If the Deputy is impounding livestock under Florida Statute 828, then a report will be completed.
 - m. The impounding Deputy will then forward a copy of the impound information to the Hendry County Sheriff's Office Public Information Officer so the proper advertisement can be documented in the newspaper and website of general circulation.
 - n. The impounding Deputy will complete a property receipt detailing a description of the livestock and the chain of custody. At the conclusion of the impoundment, the Deputy will forward all documents, related to the impound, to the Finance Unit and to HCSO records. If the impound involves a criminal case, a copy of the booking report will be submitted with all impound documents to the S.A.O. and HCSO Records Section.
7. Florida Statute 588.15 Liability of Owner: Every owner of livestock who intentionally, willfully, carelessly, or negligently suffers or permits such livestock to run at large or stray upon the public roads of this state shall be liable in damages for all injury and property damage sustained by any person by reason thereof.
8. Florida Statute 588.18: Livestock At Large; Fees: The fees allowed for impounding, serving notice, care and feeding, advertising, and disposing of impounded animals shall be determined by the Sheriff of each county.
9. Impounded Livestock: Owner Later Responds To Notice
- a. When an Agriculture Deputy has impounded livestock, and the owner, if known, was not contacted at the time of impoundment the Deputy will leave a notice of such impoundment. If the owner contacts the Deputy before the animal is sold at auction, the owner will respond to the Hendry County Sheriff's Office main office. The owner of the livestock will provide the amount due for the impoundment to an employee assigned to the finance division.
 - b. An Agriculture Deputy may issue a written warning or make an arrest for Florida Statute 588.24, livestock at large (Misdemeanor requirements noted). The Deputy has the discretion to determine the outcome as to what steps may be taken in this case. Written documentation will be made in the form of a written warning, NTA or physical arrest, regardless of an impound occurring. This charge is a misdemeanor of the second degree.
10. HCSO Livestock Impound Yard

- a. The Hendry County Sheriff's Office maintains a livestock impoundment area. Insure area is kept clean, has fresh water and feed for impounded animals. Maintain fences. Gates will be locked at all times.
- b. The impounding Deputy must notify the other members of the Agricultural Unit that animal(s) have been placed in to impound, and if additional care is needed.
- c. In the event of the Hendry County Sheriff's Office impoundment yard being filled to capacity or of an impending hurricane, the Agriculture Deputies may call upon surrounding Sheriff's Offices for assistance in securing impounded animals at their impound facilities and likewise they may call upon this agency for assistance. In any event the Hendry County Agriculture Deputy shall be responsible for the impounded animal(s) receiving the proper care.
- d. Should both the Hendry County Sheriff's and the surrounding Sheriff's Office's not have sufficient space or ability to maintain the impounded animals, or a particular service is needed, a private contractor may be used. The use of a private contractor will only occur upon approval of the Supervisor of the Agriculture Unit.
- e. All impounded livestock whose owner has not claimed it or has been court ordered to the Sheriff, may be taken to the nearest public auction for sale after all required advertisements have been made.

11. Livestock Cruelty Investigations:

- a. The Hendry County Sheriff's Office Agricultural Crimes Unit will respond and investigate all reports of livestock neglect/cruelty and/or abuse under FLORIDA STATUTE 828. The definition of "livestock" shall include all animals of the Equine, Bovine, or Swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches and other grazing animals. (Not to include Fowl/Chickens)
- b. Once the Deputy has determined the nature of the call and the facts of the case and if a violation has or is occurring, any of the following enforcement actions may be taken.
 - (1) Notice to provide care issued under Florida Statute 828.073 listing reason and time frame for the condition to be corrected.
 - (2) Equine or Bovine neglect sheet completed
 - (3) If an animal(s) is to be impounded, report will be used.
 - (4) Arrest of the owner or person responsible for the care and custody of the animal(s).
 - (5) Vet will be notified to respond to the scene if needed or to the HCSO impound yard.
 - (6) Follow up investigation to be completed if no impound or arrest is made to determine compliance.

12. Impounded Livestock Taken Under Florida Statute 828

- a. All livestock taken and impounded under this statue must be completed on
 - (1) A report will be completed and posted if the owner or person responsible was not located.

- (2) A report will be completed if the owner is present and has relinquished ownership of the livestock.
- (3) A report will be completed if the livestock being taken is of the Equine or Bovine class.
- (4) Detailed photos will be taken of the scene and of the animal(s).
- (5) A completed case report must be sent to the HCSO records division as soon as possible so a court date can be set if the owner has refused to surrender the impounded livestock.

13. Agriculture Deputies To Remain Impartial

- a. The Agriculture Unit is a small group which is responsible to enforce various laws on another small group of the public, this being the cattlemen, horsemen and farmers. Due to this, it is necessary that members of the Agriculture Unit remain and appear impartial. No Agriculture Deputy will solicit from or accept any gratuity from any person who is likely to be subject to any law enforcement action by an Agriculture Deputy. Those members who encounter citizens who want to donate to the unit should be referred to the unit's supervision.

14. Lights-Out And Night Operations

- a. Patrol vehicles may be operated without displaying lights when:
 - (1) Operation without lights is necessary in the performance of the sworn member's law enforcement duties.
 - (2) The sworn member adheres to Florida Statute 316.217 and the guidelines in this Policy.
 - (3) The Deputy must continuously balance the potential danger to life and property created by lights-out operation.
- b. In making the decision to operate in a lights-out mode the following factors shall be considered:
 - (1) Environmental factors determine it is safe to do so.
 - (2) The condition, performance and the capabilities of the equipment allow doing so.
 - (3) The member is familiar with the area.
 - (4) A member may disengage the vehicles brake lights, taillights, tag lights and backup lights utilizing approved and installed cut out switches when it can be done safely and so equipped.
- c. A member shall not operate a vehicle without headlights:
 - (1) Except when operating a vehicle at 15 mph or less and using an Agency approved sneak light and;
 - (2) On LIMITED ACCESS ROADWAYS. Limited access roadways for the purpose of this policy means, a street or highway especially designed for through traffic and for which access to and from is limited to designated interchanges. Examples include Interstate Highways, or major road ways.

- (3) A member shall not operate a vehicle without lights except when it is necessary to provide concealment for a specific incident or detail.
- (4) Per FLORIDA STATUTE 316.217 (4) (a)(b)(c)(d) When lighted lamps are required.-
 - a. Law Enforcement vehicles may be operated without the display of lighted lamps required by this chapter under the following conditions:
 1. Operation without the display of lighted lamps is necessary to the performance of law enforcement officer's duties
 2. The law enforcement agency has a written policy authorizing and providing guidelines for vehicle operation without the display of lighted lamps.
 3. The law enforcement vehicle is operated in compliance with agency policy.
 4. The operation without the display of lighted lamps may be safely accomplished.
 - b. The provisions of this subsection shall not relieve the operator of such a vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the vehicle operator from the consequences of his or her reckless disregard for the safety of others.

D. Agriculture Equipment:

1. Each Agricultural Deputy will familiarize themselves with all issued equipment assigned to the Agricultural Crimes Unit. Members are responsible for the care and maintenance of this equipment, and will report any damaged or lost equipment to the Unit Supervisor immediately. Unit members will also keep up to date with current required maintenance.
2. Agricultural Crimes Unit Off-Road Vehicle (Swamp Buggy)
 - a. The O.R.V. is available upon the request by a district supervisor, a Watch Commander or designee who will contact the on duty Agriculture Crimes Deputy. The Agriculture Deputy will respond with the O.R.V. in a timely manner. (Only Deputies assigned to the Agricultural Crimes Unit may operate the O.R.V. unless authorized by the sheriff or designee)
 - b. All Agriculture Crimes Deputies operating the ORV shall receive basic operating instructions from the supervisor or designee to include: the safe operation of the ORV noting the unique handling characteristics, protection of environmentally sensitive areas and routine maintenance.
 - (1) Each ORV operator is responsible to operate the vehicle in a safer manner at all times.
 - (2) All ORV operators, due to the unique handling characteristics of the vehicle, shall exercise caution.
 - (3) Under no circumstances shall the off road vehicle be employed to pursue a fleeing vehicle either off-road or on a street.
 - (4) The ORV operator may perform a vehicle stop on another off-road vehicle which is believed to have committed a violation of a Florida State Statute. If a vehicle stop cannot

be performed safely or if the offending vehicle flees from the vehicle stop, the deputy shall immediately cease all attempts to stop the offending vehicle.

3. Maintenance:

- a. The general maintenance of the vehicle is the responsibility of the operator. The operator shall look over vehicle before and after each use. If there are any deficiencies it shall be reported to the Agricultural Crimes Unit supervisor or designee. Fleet Management will perform routine maintenance.
- b. The fluid levels of the vehicle shall be checked before operations. The vehicle operator shall ensure that the fuel tank and oil are filled at the end of each patrol shift to ensure it is ready to be put into operation for the next patrol shift.

4. Equipment On Board:

- a. 1 set of 4ft bolt cutters
- b. 1 shovel
- c. First Aid Kit
- d. 1 tool bag containing misc hand tools
- e. 1 fire extinguishers
- f. 1 12,000 lbs front wchenes
- g. All Police emergency lights and siren
- h. 1 25ft tree saver rope
- i. 1 50ft tow strap

V. GLOSSARY

N/A

Your electronic signature in Power DMS acknowledges you have read this policy and understand it.